

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION


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LaTonya Cochran,)	
)	C/A No. 1:12-3458-RMG
Petitioner,)	
)	
vs.)	ORDER
)	
United States of America;)	
The Honorable David C. Norton;)	
Dean Secor; Daniel Prenner; and)	
Larry W. Propes,)	
)	
Respondents,)	
)	

Petitioner is a federal prisoner, and on December 10, 2012, she filed a four page hand-written document with the above caption. The document is presented as both a motion pursuant to 28 U.S.C. § 2255 to vacate, set aside, or correct sentence, as well as a petition for a writ of habeas corpus. Petitioner seeks release from custody or a new trial to vacate her judgment. Petitioner is in custody based on her criminal conviction in this district court for Conspiracy to Defraud the United States, which resulted in an 18 month sentence. *United States v. Cochran*, Case No. 2:12-CR-119-DCN-2 (D.S.C. October 16, 2013). Petitioner's document was filed in a civil case as a petition for writ of habeas corpus by a federal prisoner pursuant to 28 U.S.C. § 2241. Although Petitioner's document can be construed as a habeas petition, it appears Plaintiff's intent was to file a motion in criminal case No. 2:12-cr-119. Thus, the document will be handled as a motion pursuant to Section 2255 in the criminal case. To preserve the filing date, the Clerk of Court is directed to file Petitioner's document, docketed as a petition in this case [ECF No. 1], as a Section 2255 motion in the criminal case with a filing date of December 10, 2012. The motion will be addressed in the criminal case, and therefore,

this Section 2241 action is dismissed.

IT IS SO ORDERED.



Richard M. Gergel
United States District Judge

February 15, 2013
Charleston, South Carolina